Application No. 09/461,625
Amendment dated June 2, 2006
Reply to Final Office Action of February 2, 2006

Atty. Docket No. 2207/7562
Assignee: Intel Corporation

REMARKS/ARGUMENTS

Claims 2-21, 23-31, and 33-44 are pending in the application. Claims 2-4, 33-35,

42 and 44 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent

No.6,064,554 to Kim ("Kim"). Claims 23-25 and 43 are rejected under 35 U.S.C.

§103(a) as being unpatentable over Kim in view of U.S. Patent No. 6,289,466 to

Bayramoglu et al ("Bayramoglu"). Claims 26-31 are rejected under 35 U.S.C. §103(a) as

being unpatentable over Kim in view of Bayramoglu, further in view of Wooten

("Wooten"). Claims 5-21 and 36-41 are rejected under 35 U.S.C. §103(a) as being

unpatentable over Kim in view of U.S. Patent No. 5,832,492 to Wooten. Claim 42 is

rejected on the ground of nonstatutory obviousness-type double patenting as being

unpatentable over claim 1 and 3-5 of U.S. Patent No. 6,792,495 to Garney et al (" '495

Garney"). Additionally, claim 42 is rejected on the ground of nonstatutory obviousness-

type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,813,251 to

Garney et al (" '251 Garney"). Also, independent claims 43 and 44 are rejected on the

ground of nonstatutory obviousness-type double patenting as being unpatentable over

claims 1 and 3-5 of U.S. Patent No. 6,792,495 to Garney et al. and unpatentable over

claim 1 of U.S. Patent No. 6,813,251 to Garney et al. Dependent claims 2-10, 23-31 and

33-41 (each of which depend upon one of independent claims 42-44) are rejected on the

ground of nonstatutory obviousness-type double patenting for their dependence upon one

of the rejected claims 42-44. Reconsideration in view the following remarks is

respectfully requested.

11

With regard to the nonstatutory obviousness-type double patenting rejections,

Applicant will file a Terminal Disclaimer (if appropriate) once allowable subject matter

has been recognized by the Office.

With regard to the §102(e) rejection based on Kim, Applicants respectfully submit

that nowhere does the Kim reference teach, suggest or disclose at least "[a] method for

communicating data between a host and an agent, the method comprising: ...*repeating,*

by the host controller, the first transaction at a second time between the host controller

and the hub" (e.g., as described in claim 42).

The Office Action asserts Kim teaches repeating, by the host controller 11, the

first transaction at a second time (citing column 6, lines 32-39) between the host

controller and the hub 20. *See* Office Action dated 2/2/2006, paragraph 2. Applicants

disagree.

Column 6, lines 32-39 of Kim state:

> As described above, according to the present invention, only one input terminal
> and one output terminal of the USB hub controller are used regardless of the
> number of the power output ports of a USB hub unit to prevent overcurrent from
> flowing to the subsequent USB hub units and/or peripheral devices. Therefore, the
> circuit design is simplified regardless of the number of the power output ports.

The cited section of Kim is directed toward the prevention of overcurrent, i.e., current in

excess of the rated current or ampacity of a conductor. It is specifically directed toward

preventing overcurrent in the USB hub units and other peripheral devices. The cited

section describes simplifying the design of the circuit regardless of the number of power

output ports to prevent this. It does not describe repeating, by a host controller, a first

12

transaction at a second time between the host controller and a hub, or any equivalent

thereof.

The Office Action's associated remarks are inapplicable and unsupported by the

reference. It states that the reference describes using only one input and output terminal

at a single time, thus requiring other terminals to the other devices to be used at a

second/different time. Applicants disagree. As discussed above, the cited section is

directed to overcurrent protection in a circuit, achieved by using one input terminal and

one output terminal only *of the USB hub controller*. Clearly, this doesn't categorically

necessitate using different terminals upon a second transaction. It merely requires using

one input terminal and one output terminal *at a time*. Therefore, the Office Action's

extraneous assertions are unsupported by the reference.

However, even if the Office Action's extraneous assertions were to be assumed to

be true (they are not), the cited section still does not remotely describe the relevant

limitations. Requiring other terminals on the other devices to be used at a

second/different time (as asserted by the Office Action) is not the equivalent of repeating,

by a host controller, a first transaction at a second time between the same host controller

and the *same* hub that participated in the first transaction the first time, as described in

embodiments of the present application, at all. In order to support a proper §102(e)

rejection, the cited reference must teach, suggest, or describe at least these limitations. It

does not.

Wooten fails to make up for the deficiencies of Kim. Wooten is directed towards

managing scheduled transfers, specifically a method of linking lists of scheduled

transfers. In Wooten, the host controller is primarily directed to set up lists of

13

Application No. 09/461,625
Amendment dated June 2, 2006
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Atty. Docket No. 2207/7562
Assignee: Intel Corporation

transactions for the host controller to operate on during serial bus frame intervals. There is, however, no description of repeating, by a host controller, a first transaction at a second time between the *same* host controller and the *same* hub that participated in the first transaction the first time, as described in embodiments of the present application.

Bayramoglu fails to make up for the deficiencies of Kim as well. Bayramoglu is directed towards a method of implementing bezel buttons to control a peripheral in a computer system. It does not describe repeating, by a host controller, a first transaction at a second time between the *same* host controller and the *same* hub that participated in the first transaction the first time, as described in embodiments of the present application..

Applicants respectfully submit that each and every element is not taught, suggested or disclosed by the cited references, and therefore the §102(e) rejection of claim 42 is lacking and should be withdrawn. Independent claims 11, 16, 43 and 44 include substantively similar limitations and therefore should be allowed for the same reasons. Claims 2-10, 12-15, 17-21, 23-31 and 33-41 depend from allowable independent claims, and therefore should be allowed as well.

For all the above reasons, the Applicants respectfully submit that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

14

Application No. 09/461,625
Amendment dated June 2, 2006
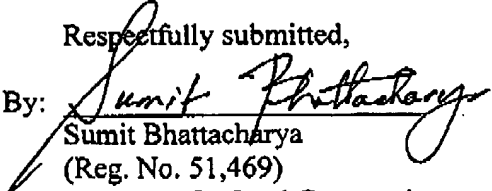Reply to Final Office Action of February 2, 2006

Atty. Docket No. 2207/7562
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The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. **11-0600**.

Respectfully submitted,

Dated: June 2, 2006

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15